



# BOARD OF ADJUSTMENT

**MARICOPA COUNTY**  
**Board of Supervisors' Auditorium**  
**205 W. Jefferson Street**  
**Phoenix, Arizona**

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## **Agenda**

### **August 9, 2006**

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**Call To Order**      10:00 a.m. in the Board of Supervisors' Auditorium, 205 West Jefferson Street, Phoenix, Arizona.

**Roll Call**              Board of Adjustment members

**Announcements**    This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

Maricopa County has an aggressive strategy to provide accessibility for all citizens to its programs, activities, and services, as required by the Americans with Disabilities Act (ADA). A sign language interpreter, alternative format materials, or infrared assisted listening devices are available with 72 hours notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request.

The Staff Reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board of Adjustment meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Upon approval of a request, the applicant should be advised that the authority of the Board of Adjustment is established, governed and limited by the provision of ARS §11-807 and has to do with Planning and Zoning Ordinances and standards of Maricopa County. The Board does not purport to settle or determine or advise concerning other matters that may have application to rights to use real property.

All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Every witness for a Variance, Interpretation or Temporary Use Permit shall be limited to a maximum of 10 minutes. Rebuttal by the applicant shall be limited to a maximum of 5 minutes.

**Standard**

**Conditions**

**All agenda items shall be subject to the following:**

- 1) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements and Building Safety codes.
- 2) General compliance with the site plan submitted with the application.
- 3) All required building permits shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to obtain any required building permit within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval, except for Appeals of Temporary Use Permits for temporary housing, which may allow two years to complete construction from date of approval.
- 4) All conditions set forth by the Board of Adjustment shall be complied with prior to the Department of Planning and Development finalizing any building permit or issuing a Certificate of Occupancy, whichever is applicable.

**Consent Agenda**

Items listed on the Consent Agenda are considered routine by the Board of Adjustment and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and be held for public hearing as indicated on this Agenda if a Board member or a citizen so desires.

**CONSENT AGENDA**

**1. BA 2006068 District 4**

**Applicant:** Shelly Smith for TCI, LLC  
**Address:** 17919 W. Yuma Road (Goodyear area)  
**Zoning:** Rural-43  
**Request:** Variances to permit: 1) a proposed addition to an existing single-family residence to setback 11.96 feet from the street side (west) property line where 20 feet is the minimum required; and 2) a proposed addition to an existing single-family residence to setback 6.21 feet from the side (east) property line where 30 feet is the minimum required in the Rural-43 zoning district (0.50 acres).

**CONTINUED FROM JULY 12, 2006**

**2. BA 2005129 District 2**

**Applicant:** J. Humberto Urbina for Jeff Hanrath  
**Address:** 14734 N. Goldfield Road (Goldfield Ranch area)  
**Zoning:** Rural-190  
**Request:** Variances to permit: 1) proposed hillside disturbance of 11.41% where 5% is the maximum hillside disturbance allowed; and 2) a proposed driveway to be built on 100% fill material where 1/3 fill material (33%) is the maximum allowed in the Rural-190 zoning district (5.0 acres).

**3. BA 2006008 District 3**

**Applicant:** Gallagher & Kennedy for Ivan Martinovsky  
**Address:** 38741 N. 11<sup>th</sup> Avenue (Desert Hills area)  
**Zoning:** Rural-43  
**Request:** Variance to permit an existing single-family residence to setback 26.93 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.0 acre).

**4. BA 2006056 District 4 (continue to September 13, 2006)**

**Applicant:** Bigelow Storage Buildings for Carl Parish  
**Address:** 16502 W. Lower Buckeye Road (Buckeye area)  
**Zoning:** Rural-43  
**Request:** Variance to permit a proposed detached accessory structure (garage) to setback 5 feet from the side (west) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.1 acres).

**5. BA 2006059 District 1**

**Applicant:** Reinhold F. Wirth  
**Address:** 21321 S. 154<sup>th</sup> Street (Gilbert area)  
**Zoning:** Rural-43  
**Request:** Variance to permit an existing residence with a setback of 34 feet from the front (west) property line where 40 feet is the minimum required in the Rural-43 zoning district. (1.04 acres).

**6. BA 2006064**

**District 3**

**Applicant:**

Robert Flowers

**Address:**

34833 N. 3<sup>rd</sup> Street (Desert Hills area)

**Zoning:**

Rural-43

**Request:**

Variances to permit: 1) an existing detached accessory structure (shed) to setback 16 feet from the side (south) property line where 30 feet is the minimum required, 2) an existing building separation distance (SFR/caretaker's quarters) of 8 feet where 15 feet is the minimum required, 3) an existing detached accessory structure (burro shade) to setback 14 feet from the side (south) property line where 30 feet is the minimum required, 4) an existing detached accessory structure (burro shade) to setback 8 feet from the front (west) property line where 40 feet is the minimum required, 5) an existing lot width of 20 feet where 145 feet is the minimum lot width required, 6) an existing detached accessory structure (burro pen) to setback 6 feet from the front (west) property line where 40 feet is the minimum required, 7) an existing detached accessory structure (shade) to setback 6 feet from the front (west) property line where 40 feet is the minimum required, 8) an existing detached accessory structure (changing room) to setback 20 feet from the front (west) property line where 40 feet is the minimum required, 9) an existing building separation distance (shade/changing room) of 8 feet where 15 feet is the minimum required, 10) an existing detached accessory structure (shade) to setback 33 feet from the front (west) property line where 40 feet is the minimum required, 11) an existing building separation distance (shed/burro shade ) of 11 feet where 15 feet is the minimum required, 12) an existing detached accessory structure (shed) to setback 27 feet from the front (west) property line where 40 feet is the minimum required; and 13) an existing detached accessory structure (changing room) to setback 27 feet from the side (north) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.28 acres).

## **REGULAR AGENDA**

**7. BA 2006062 District 3**

**Applicant:** George Chechak  
**Address:** 44626 N. Shangri-La Lane (New River area)  
**Zoning:** Rural-43  
**Request:** Variances to permit: 1) a proposed detached accessory structure (game room) to setback 6 feet from the side (south) property line where 30 feet is the minimum required; and 2) an existing single-family residence to setback 20 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district (2.48 acres).

**8. BA 2006069 District 4**

**Applicant:** Robert Lelakowski  
**Address:** 2224 N. 200<sup>th</sup> Avenue (Buckeye area)  
**Zoning:** Rural-43  
**Request:** Variance to permit an existing detached accessory structure (tack room) to setback 14 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.1 acres).

**9. BA 2006070 District 5**

**Applicant:** Amy M. Perez  
**Address:** 5111 W. Desert Drive (Laveen area)  
**Zoning:** Rural-43  
**Request:** Variance to permit an existing 7-foot, 4-inch high wall where 6 feet is the maximum wall height allowed in the Rural-43 zoning district (1.08 acres).

**10. BA 2006071 District 4**

**Applicant:** Jose & Linda Valdez  
**Address:** 3028 N. Mansfield Court (Litchfield Park area)  
**Zoning:** Rural-43  
**Request:** Variance to permit a proposed detached accessory structure (RV garage) to setback 10 feet from the side (south) property line

where 30 feet is the minimum required in the Rural-43 zoning district (1.07 acres).

**11. BA 2006074**

**District 4**

**Applicant:**

Linda Brown

**Address:**

25808 N. 113<sup>th</sup> Avenue (Peoria area)

**Zoning:**

Rural-43

**Request:**

Variances to permit: 1) an existing detached accessory structure (shed) to setback 7 feet from the side (west) property line where 30 feet is the minimum required, 2) an existing detached accessory structure (shed) to setback 7 feet from the side (west) property line where 30 feet is the minimum required; and 3) a proposed building separation distance (single-family residence/proposed garage) of 6 feet where 15 feet is the minimum required in the Rural-43 zoning district (1.36 acres).

**12. BA 2006075**

**District 2**

**Applicant:**

Martha Rocco

**Address:**

33425 N. 139<sup>th</sup> Place (Rio Verde area)

**Zoning:**

Rural-43

**Request:**

Variance to permit an existing lot width of 30.02 feet where 145 feet is the minimum lot width required in the Rural-43 zoning district (1.1 acres).

**13. BA 2006077**

**District 3**

**Applicant:**

Charles Parrott for Mario & Kim Ezrre

**Address:**

36815 N. 20<sup>th</sup> Street (Desert Hills area)

**Zoning:**

Rural-43

**Request:**

Variances to permit: 1) an existing single-family residence to setback 21'-7" from the side (south) property line where 30 feet is the minimum required; and 2) an existing detached accessory structure (shade cover) to setback 3'-10" from the side (north) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.17 acres).

**14. BA 2006078**

**District 2**

**Applicant:**

Patricia Mixer

**Address:**

30709 N. 170<sup>th</sup> Way (Rio Verde area)

**Zoning:**

Rural-43

**Request:**

Variance to permit a proposed single-family residence to setback 40 feet from the front (west) property line where 50 feet is the minimum required in the Rural-43 zoning district (1.25 acres).

**Approval of Minutes:** July 12, 2006

**Adjournment:**